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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/061,833	04/16/1998	ROBERT WESLEY BOSSEMEYER JR.	A00394(AMT-9	2161

757 7590 12/07/2001

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EXAMINER
ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 12/07/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/061,833	Applicant(s) BOSSEMEYER ET AL.	
	Examiner Ovidio Escalante	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 September 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-10,22,23 and 25-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-10,22,23,25-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

1. This action is in response to applicant's response filed on September 18, 2001. **Claims 1-4,6-10,22,23,25-30** are now pending in the present application.

Response to Amendment

2. Applicant's request for reconsideration of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. A new action follows below.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 22-23,25-29 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 22, the claim limitation of a processor, capable of performing a derived lines process was not described in the specification in such a way as to reasonably convey to one skill in the art to use the invention. On page 16, the specification describes the derived line process as stealing bandwidth from the other lines to create another line.

Applicants state of creating a line from the stolen bandwidth. The Examiner believes that there is no description described in the specification that will allow one skilled in the art to be able to "create lines". While one of ordinary skill in the art would realize that bandwidth allocation would allow bandwidth to be set aside so that various devices can use a single line or

to conserve the bandwidth in a line for future use, one of ordinary skill in the art would not be able to "create lines" by "stealing" bandwidth since bandwidth allocation borrows bandwidth from the line by allocating channels in the line.

The Applicants also state on page 16, that in one embodiment the system supports two telephone lines. The Applicants then state that the derived technique can divide one of the lines in two to create three lines. The Examiner interprets this to mean that there are now three physical lines since applicants are creating lines. However, the Examiner believes that there is no description in the specification to support creating a physical line since lines cannot be created by stealing bandwidth.

Claims 23,25-29 are rejected because they depend on a rejected claim.

5. Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

A derived lines process as stated by the Applicant means stealing bandwidth from the other lines to create a new line.

The Examiner notes that since the term "stealing" means to take and not give back then the lines in Applicant's invention would not be able to support any devices in the system since there would not be any bandwidth for the devices to use since they would have been "stolen".

The Examiner further notes that the specification does not enable one skilled in art to be able to create lines from line by "stealing bandwidth" since devices borrow bandwidth from a line.

6. For purposes of prior art rejection, the Examiner is interpreting the derived lines process to be allocating bandwidth with channels within a line so that more than one device can use a single line. For example, if a line has four channels and there is only one device using the line, the device can be allowed to use all of the available bandwidth. When a second device wants to use the same line then the system will divide the channels so that the first device gets two channels and the second device gets two channels. With this method multiple devices can use the same line by borrowing bandwidth from the line.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1,6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry et al. US Patent 5,768,356 in view of Snelling et al. US Patent 6,058,104.

Regarding claim 1, McKendry teaches of a user programmable call manager (PCAM) device which routes incoming calls with a specified caller ID to various extensions such as a remote phone or to a telephone answering service.

McKendry further teaches of a home gateway system comprising:

a voice processing system (PCAM 100; answering machine 131, fig. 1) coupled to a service entrance (191) which is connected via landline connection to the public switch network (90), the voice processing system is capable of storing a message from an incoming call (fig. 1, fig. 3, col. 14, lines 13-18);

a conference call bridge (fig. 4, col. 25 lines 16-18);

a caller identification processing system (330, fig. 3), the caller identification processing system determining a telephone number of the incoming call and routing the incoming call to the voice processing system if the telephone number belongs to a screened group of telephone numbers (col. 6, lines 57-65, col. 29, lines 21-34).

McKendry does not specifically teach using a wireless local loop link and having a transceiver coupled to the voice processing system and to the caller identification processing system since the service entrance of McKendry which establishes a landline connection is connected to the caller ID and voice processing system.

Snelling teaches of a fixed wireless terminal with a transceiver (NCU 100; Network Interface 650) which is attached to a residence (fig. 1; col. 7, lines 26-36) which is capable of establishing a wireless local loop point to point link to a geographically separated, non-mobile base station (col. 6, lines 50-64) which is connected to the PSTN, (the NCU 100 communicates with the PSTN via a wireless protocol). Snelling further teaches that the transceiver is connected to a multiplexer for passing signals from the NCU to the wireless devices in the user's premise, (col. 6, lines 24-40; col. 11, lines 26-41). In col. 11, lines 26-41, Snelling teaches the multiplexer in the transceiver is used to allow the remote unit in the home of Snelling to communicate with the PSTN.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the home gateway system of McKendry by replacing the service entrance switch with a fixed wireless local loop connection, as taught by Snelling, so that the connection between the users home and PSTN can be less expensive and by having wireless

connectivity between the PSTN and residence, the need to rewire residences in order to accommodate new standards and services will be eliminated.

Regarding claim 6, McKendry teaches of a controller capable of redirecting the incoming call to a predetermined forwarded telephone number, (col. 2, lines 46-48; col. 7 lines 64-67). As stated above by Snelling, it would have been obvious to connect the controller to a transceiver to establish a wireless local loop connection.

Regarding claim 8, McKendry and Snelling, as applied above, teaches the system includes a router coupled to a transceiver. McKendry teaches that routers are well known in the prior art and are used for routing calls to various extensions (col. 3, line 61 – col. 4 line 3). The Examiner notes that since the PCAM of McKendry routes calls to various locations in the user's premise then it is inherent that the PCAM has a router since the PCAM routes calls to various extensions.

As stated above, it would have been obvious to have the router coupled to a transceiver if the system establishes a wireless local loop connection as taught above with Snelling.

9. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry in view of Snelling and further in view of Shen U.S. Patent 5,812,649.

Regarding claim 2, while McKendry and Snelling teach of having a caller identification system, McKendry and Snelling do not expressly disclose of a processor determining if an incoming call is received during an existing call and posting an indicia of the incoming call to a user when the incoming call is received during the existing call.

Shen teaches of a method for supporting spontaneous call waiting ID service. Shen further teaches of posting a caller name on a display when the user is on the line, (col. 2, lines 26-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McKendry and Snelling by having Caller Identification on Call Waiting (SCWID) as taught by Shen so that the user can see who is calling when the line is in use.

Regarding claims 3 and 4, McKendry discloses of the voice processing system including a controller for detecting the incoming call and directing the system to play a plurality of options to a caller (col. 5, lines 16-20). If the system is able to play a plurality of options to the caller it inherently must have a speech synthesizer. The caller can have the option of routing the call to any of the local extensions on the user's premise.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry in view of Snelling and further in view of Hylton US Patent 5,793,413.

Regarding claim 7, McKendry and Snelling, as applied above, do not specifically teach of using a smart card.

Hylton teaches of using a smart card in a home system that is connected by means of a fixed wireless local loop connection, (col. 28, lines 36-40; col. 33, lines 18-35). The smart card is used to transmit user data into the system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McKendry and Snelling by using a smart card as taught by Hylton so that so that a users may communication personal information through a

processor and broadband network to a receiving party. For example Hylton teaches of a user transmitting personal medical information which is stored in the smart card to a medical information database.

11. Claims 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry in view of Snelling and further in view of Sizer, II et al. U.S. Patent 6,021,324 (hereinafter Sizer).

Regarding claims 9 and 10, McKendry and Snelling, as applied above, do not expressly teach of a security system and a television processing system coupled to a router.

Sizer teaches of a system and apparatus for controlling appliances situated within a premise. The system has a television processing system (col. 4, lines 44-58; the television system displays the telephone message and prompts received from the television processing system) and a home security system, (col. 1, lines 52-56 and figure 1). The system of Sizer allows a user to control various appliances in the house from a remote location using voice recognition as well as controlling the security system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McKendry and Snelling by having a television processing system and a home security system so that the caller ID information or messages can be displayed to the user on the television without requiring the user to look at the caller ID terminal when they are watching TV and so that the user can remotely control various appliances around the house from a remote location. For example, a user is able to turn on or off the security system from a remote telephone.

12. Claims 22, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry US Patent 5,768,356 in view of Brakefield et al. US Patent 6,047,006, (hereinafter Brakefield).

Regarding claim 22, McKendry teaches of a switch (personal call manager – PCAM, fig. 1 and fig. 3) connected to an external telephony channel (trunk lines 110-1, 110-2) and an internal telephony channel (extensions 121-1,121-2,121-n):

a processor (PCAM controller 310, call handling detectors 360), (col. 19, lines 51-59,64-67 and col. 5, lines 56-63), connected to the switch (PCAM 100), the processor (PCAM controller 310) sending and receiving messages from the switch, (col. 5, lines 56-63), (The controller PCAM controller 310, uses a call handler operation to route, handle, and monitor telephone calls.);

a conference call bridge connected to the switch, (fig. 4, col. 25, lines 16-20); and

a caller identification (330, fig. 3) system receiving an identify query from the processor, (col. 21, lines 51-58).

McKendry does not specifically teach of a derived lines process which allocates bandwidth among plural devices.

Brakefield teaches a telecommunications device (network termination equipment 14) within a user's premises, connected via a telephone line to a telecommunication network and connected to a multimedia network within the user's premises.

Brakefield further teaches of receiving a call request for a connection between the multimedia network and the telecommunications network, (col. 3, lines 8-15; fig. 4) and

allocating bandwidth for the requested connection (derived lines process), (col. 3, lines 11-15; step 40 in fig. 3; col. 6, lines 24-27; col. 7, line 59-col. 8, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McKendry by performing bandwidth allocation within a user's premise as taught by Brakefield so that multiple devices can be used to communicate with other device in the telecommunications network while using a single line.

Regarding claim 23, McKendry teaches of a voice processing system (answering machine 131, fig. 1) coupled to the processor (PCAM), the voice processing system capable of storing a voice mail, (fig. 1, col. 10, lines 4-5).

Regarding claim 25, McKendry discloses of a router coupled to the switch, (col. 3, line 61 – col. 4 line 3). McKendry also discloses that routers are used are used for directing calls to telephone instruments in a user premise. Therefore since, the PCAM (router) routes calls through the user premise, McKendry inherently has a router coupled to the switch with the PCAM.

13. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable McKendry in view of Brakefield and further in view of Hylton US Patent 5,793,413.

Regarding claim 26, McKendry, as applied above, does not expressly disclose of a smart card interface connected to the processor.

Hylton teaches of a smart card interface connected to the processor, (col. 28, lines 36-40). The smart card is used to transmit user data into the system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McKendry by using a smart card as disclosed by Hylton so that so that users may communication personal information through a processor and

broadband network to a receiving party. For example Hylton teaches of a user transmitting personal medical information that is stored in the smart card to a medical information database.

14. Claims 27-28 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry in view of Brakefield and further in view of Hylton and further in view of Sizer, II et al. US Patent 6,021,324, (hereinafter Sizer).

Regarding claims 27 and 28, McKendry, Brakefield and Hylton, as applied above, fail to teach of using a television processing system and a home security system.

Sizer teaches of a system and apparatus for controlling appliances situated within a premise. The system has a television processing system (col. 4, lines 44-58) and a home security system, (col. 1, lines 52-56 and figure 1). The system of Sizer allows a user to control various appliances in the house from a remote location using voice recognition.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McKendry and Snelling by having a television processing system and a home security system so that the caller ID information or messages can be displayed to the user on the television without requiring the user to look at the caller ID terminal when the are watching TV and so that the user can remotely control various appliances around the house from a remote location.

15. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry in view of Brakefield and further in view of Hylton and further in view of Sizer and further in view of Gorman US 6,141,356.

Regarding claim 29, while McKendry, Hylton and Sizer teach of a system that connects to a PSTN line via a landline connection they failed to teach of including a wireless local loop transceiver connecting to the external telephony channel.

Gorman teaches of a method for distributing high-speed data information using plain old telephone services voice signals throughout a user premise. Gorman further teaches of a fixed wireless local loop transceiver connected to the external telephony channel, (Figs 1 and 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the home system of McKendry, Hylton and Sizer by establishing a wireless local loop connection as taught by Gorman so that the connection between the users home and PSTN can be less expensive and by having wireless connectivity between the PSTN and residence, the need to rewire residences in order to accommodate new standards and services will be eliminated.

16. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sizer in view of Snelling and further in view of Hylton.

Regarding claim 30, Sizer discloses of a home gateway system comprising:

a switch (80);

a processor (microprocessor – 32) connected to the switch receiving a query from the switch and sending a response to the switch (col. 9, lines 10-22);

a caller identification system (50) connected to the processor (32), the caller identification system coupled to a display (44), (col. 4, lines 59-67);

a home automation and security system, capable of sending and receiving a message through the telephony network (col. 1, lines 52-56); and a television processing system (12)

connected to the router and receiving a television signal, the television processing system capable of sending an information to a television. . (Fig. 1, col. 4, lines 43-58).

Sizer does not expressly teach of a conference call bridge being connected to the switch or of a wireless transceiver attached to a home, capable of establishing a wireless local loop point to point link with a geographically separated non-mobile base station.

Snelling teaches of conference calling (col. 9, lines 19-29) being connected to a switch. It would have been obvious to allow the system of Sizer to use conference calls so that a user to make conference calls or three way calls.

of a fixed wireless terminal with a transceiver (NCU 100; Network Interface 650) which is attached to a residence (fig. 1; col. 7, lines 26-36) which is capable of establishing a wireless local loop point to point link to a geographically separated, non-mobile base station (col. 6, lines 50-64) which is connected to the PSTN, (the NCU 100 communicates with the PSTN via a wireless protocol). Snelling further teaches that the transceiver is connected to a multiplexer for passing signals from the NCU to the wireless devices in the user's premise, (col. 6, lines 24-40; col. 11, lines 26-41). In col. 11, lines 26-41, Snelling teaches the multiplexer in the transceiver is used to allow the remote unit in the home of Snelling to communicate with the PSTN.

It would have been obvious to allow for the home gateway system of Sizer to have a wireless local loop connection as taught by Snelling so that the connection between the users home and PSTN can be less expensive and by having wireless connectivity between the PSTN and residence, the need to rewire residences in order to accommodate new standards and services will be eliminated.

Sizer and Snelling fail to teach of using a smart card. Hylton discloses of a wireless connection (see figure 2) to a device wherein the device has smart card, (col. 28, lines 36-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sizer by allowing the user to establish a conference call as taught by Snelling so that the user can have three-way calling. It would have also been obvious to further modify the system of Sizer by establishing a wireless local loop connection as taught by so that the connection between the users home and PSTN can be less expensive and by having wireless connectivity between the PSTN and residence, the need to rewire residences in order to accommodate new standards and services will be eliminated. Finally, it would have been obvious to further modify the system of Sizer and Snelling by using a smart card in the home gateway system as taught by Hylton so that users may communication personal information through a processor and broadband network to a receiving party. For example Hylton teaches of a user transmitting personal medical information that is stored in the smart card to a medical information database.

Response to Arguments

17. Applicant's arguments with respect to claims 1-4,6-10,22,23,25-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

18. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal, informal or draft communications)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA, Sixth Floor (Receptionist).

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is (703) 308-6262. The examiner can normally be reached on Monday to Friday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for this Group is (703) 872-9314.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ovidio Escalante
Examiner
Group 2645
December 3, 2001

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600